

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

Jason Wolfe,

Plaintiff,

Case No. 3:24-cv-164

v.

District Judge Thomas M. Rose

Rob Streck,

Magistrate Judge Elizabeth Preston Deavers

Defendant.

ENTRY AND ORDER VACATING JUDGMENT (DOC. 15), GRANTING MOTION FOR EXTENSION OF TIME TO FILE COMPLAINT (DOC. 16), DIRECTING THE CLERK OF COURT TO SEND PLAINTIFF A COPY OF THE BLANK COMPLAINT FORM THAT PRISONERS REGULARLY USE IN THIS COURT AND ORDERING PLAINTIFF TO SUBMIT A PROPER COMPLAINT THAT INCLUDES A CAPTION AND NAMES A DEFENDANT OR DEFENDANTS ON OR BEFORE MARCH 17, 2025

Pending before the Court is *pro se* Plaintiff's Motion for Extension of Time to File Formal Complaint. Doc. 16. On June 3, 2024, Plaintiff was ordered to file a corrected complaint by July 13, 2024. Doc. 3. Helpfully, Magistrate Judge Deavers ordered:

To assist Plaintiff, the Clerk of Court is **DIRECTED** to send Plaintiff a copy of the blank complaint form that prisoners regularly use in this Court. Plaintiff is **ORDERED** to submit a proper Complaint that includes a caption and names a defendant or defendants **within thirty days** of this Order. If he does not, this case may be dismissed for failure to prosecute.

Doc. 3, PageID 37. Plaintiff moved for an extension on July 1, 2024, explaining that the prison confiscated his legal materials on June 10, 2024. Doc. 4, PageID 40. Magistrate Judge Deavers granted that motion on July 12, 2024, allowing Plaintiff until October 1, 2024, to do so, warning that “No further extensions will be granted.” Doc. 6, PageID 50. In spite of this, on October 8, 2024, the undersigned directed Plaintiff to file a corrected complaint by October 30, 2024. Doc. 14. On November 14, 2024, the Court dismissed the case for failure to prosecute. Doc. 15.

Plaintiff’s current motion explains difficulties he encountered in meeting the October 30, 2024, deadline, which included a continued inability to access legal materials, including paper (the materials sent at Judge Deavers’ order were allegedly lost by corrections officers in a cell move). Because of the seriousness of situation Plaintiff describes in his original filing, the judgment in this case (Doc. 15) is **VACATED** and the clerk shall **REOPEN** the case. For one final time, the Court **DIRECTS** the Clerk of Court to send Plaintiff a copy of the blank complaint form that prisoners regularly use in this Court. Plaintiff is **ORDERED** to submit a proper Complaint that **INCLUDES A CAPTION AND NAMES A DEFENDANT OR DEFENDANTS** on or before March 17, 2025.

DONE and **ORDERED** this Wednesday, February 5, 2025.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE